IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 23865 of 2006(N)

CMA.21/2002 of PRINCIPAL SUB COURT,NORTH PARAVUR
OS.419/1998 of MUNSIFF COURT, NORTH PARAVUR
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PETITIONER:

JOHN VIPIN N.P., S/O. N.JOHN PHILIPOSE,
NEELANPILLALIL HOUSE, 33/1931-A1,
MEDICAL CENTRE ROAD, COCHIN-682 028.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:
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1. C.J.ANTONY, S/O. JOSEPH,
CHEMPOLI HOUSE, MANNAMTHURUTHUKARA,
VARAPPUZHA VILLAGE, PARAVUR TALUK.

2. BENNY, S/O. VARGHESE,
MATTAPPILLY HOUSE, OLANATTU KARA,
PARAVUR TALUK.

BY ADV. SRI.B.JAYASANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF THE ORDER DTD.7.10.98 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE.**

EXT.P2 **TRUE COPY OF THE ORDER DTD.9.2.01 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE.**

EXT.P3 **TRUE COPY OF E.A.198/01 IN EP 50/00 IN OS.419/98 OF THE MUNSIFF'S COURT, NORTH PARAVUR DTD.12.6.01.**

EXT.P4 **TRUE COPY OF E.A.199/01 IN EP 50/00 IN OS 419/98 OF THE OF THE MUNSIFF'S COURT, NORTH PARAVUR DTD.12.6.01.**

EXT.P5 **TRUE COPY OF ORDER DATE 14.1.02 PASSED BY THE MUNSIFF'S COURT, NORTH PARAVUR IN EA 198/01 AND 199/01 IN EP 50/00 IN OS 419/98.**

EXT.P6 **TRUE COPY OF THE PRINCIPAL SUB COURT, NORTH PARAVUR IN CMA 20/02 DTD.11.2.05.**

EXT.P7 **TRUE COPY OF THE PRINCIPAL SUB COURT, NORTH PARAVUR IN CMA 21/02 DTD.11.3.05.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 23865 OF 2006

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Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Exts.P5 to P7 orders and allow Exts.P3 and P4 applications. In pursuance of a decree the property belonging to the writ petitioner was sold in auction and the decree holder has purchased the same, obtained a sale certificate and already applied for delivery of the property on the strength of the sale certificate. It is at this stage the writ petitioner has come forward with the prayer to set aside the sale on so many grounds, that too without resorting to any of the provisions contemplated under the CPC. But in all fairness the learned counsel for the decree holder submits that his client is ready to re-transfer the property provided all the amount due to him is paid in time. I am informed that an amount of Rs.49,000/- has already been deposited by the present writ petitioner before the Court. It will take care of the entire decree amount plus the expenses incurred for registration etc. Therefore, Rs.49,000/- deposited by the writ petitioner is permitted to be withdrawn by the decree holder from the Court below and he is directed to

execute a sale deed in favour of the writ petitioner, at the expense of the writ petitioner and thereafter file a memo before the Court for recording full satisfaction and closure of the E.P. This has to be done within a period of six weeks from today and till that time delivery shall not be effected.

2. The amount of Rs.49,000/- in deposit shall be disbursed to the decree holder on a proper application filed with a formal notice to the judgment debtor.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-